

2-18-01

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12/12/01  
J1059 U.S. PTO

PATENT APPLICATION  
Docket No. 16-089

WATTS, HOFFMANN, FISHER & HEINKE CO., L.P.A.  
PO Box 99839  
Cleveland, Ohio 44199-0839

Jc927 U.S. PTO  
10/017833  
12/12/01

Assistant Commissioner for Patents  
**BOX PATENT APPLICATION**  
Washington, D.C. 20231

**NEW APPLICATION TRANSMITTAL**

Transmitted herewith for filing is the PATENT APPLICATION of  
Inventor(s): Alan Glen Solheim et al.

For (Title): WAVELENGTH ASSIGNMENT IN AN OPTICAL WDM NETWORK

This new application is for a(n):

☐ Original ☐ Design ☐ Divisional  
☐ Continuation ☒ Continuation-in-part (CIP)

Papers enclosed are:

24 Pages of Specification  
7 Pages of Claims  
1 Pages of Abstract  
6 Sheets of Drawings (XX formal/ ☐ informal)  
☐ Preliminary Amendment  
☐ Information Disclosure Statement  
XX Declaration or Oath (XX executed by inventors)  
XX Applicant is a Small Entity  
XX Assignment to Innovance Networks  
XX cover sheet for Assignment accompanying new patent application  
XX Priority being claimed from USSN 09/909,265, filed July 19, 2001  
XX **Nonpublication Request**

**CERTIFICATE OF MAILING BY U.S. EXPRESS MAIL**

I hereby certify that this New Application Transmittal and the documents referred to as enclosed therein are being deposited with the United States Postal Service on this date December 12, 2001 in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number EL860973045US addressed to the: Assistant Commissioner for Patents, **BOX PATENT APPLICATION**, Washington, D.C. 20231.

Cherie Weaver

Name



Signature

**Claim For Benefit of Prior US Provisional Application - 35 U.S.C. §119(e)**

\_\_\_\_\_ The new application being transmitted claims the benefit of prior US provisional application(s) :

Provisional Application Number

Filing Date

**Relate Back--35 U.S.C. 120**

XX The new application being transmitted claims the benefit of prior U.S. application(s). Amend the Specification by inserting before the first line the sentence:

"This is a

\_\_\_\_\_ continuation  
XXX continuation-in-part  
\_\_\_\_\_ divisional

of copending application(s)

XXX serial number 09/909,265 filed on July 19, 2001; and  
XXX serial number not yet assigned, filed on October 11, 2001.

Inventorship Statement

**The inventorship for all the claims in this application(s) are:**

XX the same.

**Maintenance of Copendency of Prior Application**

\_\_\_\_\_ A petition, fee and response extends the term in the pending prior application until \_\_\_\_\_.

\_\_\_\_\_ A copy of the petition filed in prior application is attached.

**Abandonment of Prior Application (if applicable)**

\_\_\_\_\_ Please abandon the prior application at a time while the prior application is pending or when the petition for extension of time or to revive in that application is granted and when this application is granted a filing date so as to make this application copending with said prior application.

## Fee Calculation

CLAIMS AS FILED					
Number filed		Number Extra	Rate		Basic Fee
					\$740.00
Total					
Claims	37	-20=	17	x \$18.00=	306.00
Independent					
Claims	6	-3=	3	x \$84.00=	252.00
Multiple					
Dependent Claim(s), if any				\$280.00=	

Total Filing Fee Calculation \$ 1298.00

     Design Application Filing Fee Calculation \$     


XX Filing Fee for a Small Entity (50%) \$ 649.00

XX Fee for Recording Assignment (\$40) \$ 40.00

XX Enclosed is a check in the amount of \$ 689.00

     Charge Deposit Account No. 23-0630 in the amount of \$           

XX The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 23-0630.

  
\_\_\_\_\_  
(signature)

Kenneth J. Smith  
(name)  
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TOTAL FEE \$1298.00

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**NONPUBLICATION REQUEST  
UNDER  
35 U.S.C. 122(b)(2)(B)(i)**

First Named Inventor

Alan Glen Solheim

Title

WAVELENGTH ASSIGNMENT IN AN OPTICAL  
WDM NETWORK

Atty Docket Number

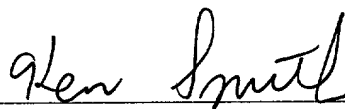
16-089

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing.

I hereby request that the attached application not be published under 35 U.S.C. 122(b).

12/12/01

Date



Signature

Kenneth J. Smith

Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

Burden Hour Statement. This collection of information is required by 37 CFR 1.213(a). The information is used by the public to request that an application not be published under 35 U.S.C. 122(b) (and the PTO to process that request). Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 6 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

FOOTER "E3200"